

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 SSO-00 NSCE-00 USIE-00 INRE-00 CIAE-00

PM-03 H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01

SP-02 SS-15 CG-00 DOTE-00 OMB-01 TRSE-00 AID-05 OC-05

CCO-00 A-01 OPR-02 DHA-02 EB-07 SAJ-01 ACDA-05 SY-05

IO-10 /096 W

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FM AMEMBASSY ANKARA

TO SECSTATE WASHDC IMMEDIATE 219

INFO SECDEF WASHDC IMMEDIATE

EUCOM IMMEDIATE

CINCUSAFE IMMEDIATE

S E C R E T ANKARA 5997

E.O.11652: XGDS-3

TAGS: PFOR, MARR, MOPS, TU

SUBJECT: AIRCRAFT LANDING AND PARKING FEES PROBLEM

REF: ANKARA 5939

1. REFUSAL OF CIVIL AVIATION OFFICIALS AT CIGLI AIRPORT IZMIR TO CLEAR A USAF AIRCRAFT FOR TAKEOFF UNTIL ARRANGEMENTS WERE MADE TO HANDLE LANDING FEE, WAS, WE WERE TOLD, BASED ON NEW DIRECTIVE OF TURKISH AIRPORT AUTHORITY (DHMI), WHICH WE MUST ASSUME HAS BEEN SENT TO ALL DHMI OFFICES. ALTHOUGH WE HAVE WITNESSED A WIDE VARIATION IN THE MANNER AND TIMING OF LOCAL AUTHORITIES, IN IMPLIMENTING INSTRUCTIONS FROM ANKARA, IT IS HIGHLY LIKELY THAT SIMILAR DEMANDS WILL IN TIME BE MADE AT OTHER AIRPORTS.

2. CIVIL AIRPORTS INCLUDE ESENBAGA IN ANKARA, YESILKOY IN ISTANBUL, AND SAMSUN, WHICH SERVICES OUR INSTALLATION

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AT SINOP. DHMI IS ALSO DIRECTLY RESPONSIBLE FOR CIVIL

OPERATIONS AT CIVIL/MILITARY AIRPORTS INCLUDING DIYAR-BAKIR, WHICH SERVICES OUR PIRINCLIK INSTALLATION, ERZURUM, WHERE WE HAVE ARMY SAS SITE, AND MALATYA, WHERE WE HAVE AN AIRFORCE SAS SITE. FAILURE TO RESOLVE THIS ISSUE COULD, THEREFORE, VIRTUALLY PARALYZE OUR INTERNAL AIR TRANSPORT SERVICES. (WHILE SOME GROUPS HERE HAVE ADVOCATED FORCING US TO USE LOCAL AIR TRANSPORT, WE DO NOT RPT NOT BELIEVE THIS WAS THE PURPOSE OF THE DHMI DIRECTIVE.)

3. TO PREVENT FURTHER DETENTION OF THE C-9 MEDICAL EVACUATION AIRCRAFT AT IZMIR, COMMANDER WAS AUTHORIZED TO SIGN CHARGE SHEET (USAF FOR 15) WHILE AT SAME TIME NOTING ON SHEET THAT THIS WAS DONE UNDER PROTEST AND FOR HUMANITARIAN REASONS. DHMI AUTHORITIES DELAYED TAKE-OFF FOR ALMOST 24 HOURS BY INSISTING ON CASH PAYMENT IN DOLLARS BUT, AFTER VIGOROUS PURSUAL OF MATTER BY U.S. MILITARY AUTHORITIES IN ANKARA AND ON SPOT AND FURTHER REPRESENTATION TO FOREIGN MINISTRY, THEY FINALLY ACCEPTED FORM 15 AS EXECUTED BY AIRCRAFT COMMANDER. THE CAVEATS ON THIS CHARGE SHEET COMBINED WITH OUR REPRESENTATIONS AT FOREIGN MINISTRY (REFTEL PARA 2) WILL, WE BELIEVE, EFFECTIVELY PROTECT OUR POSITION REGARDING VALIDITY OF 1954 TAX RELIEF AGREEMENT AND REGARDING INCLUSION OF LANDING FEES UNDER THIS AGREEMENT. ALTHOUGH IZMIR DHMI OFFICIAL INDICATED THAT HE WOULD NOT ACCEPT CHARGE SHEET IN FUTURE, FOREIGN MINISTRY (DEPUTY DIRECTOR FOR INTERNATIONAL SECURITY AFFAIRS ASULA) INFORMED US ON AUGUST 1 THAT IT IS REQUESTING COMMUNICATIONS MINISTRY TO ACCEPT "SIGNED CHITS" FROM AIRCRAFT COMMANDERS AND THAT ACCUMULATED CHITS WILL BE PRESENTED TO EMBASSY FOR PAYMENT.

4. OPTIONS OPEN TO US AT THIS MOMENT APPEAR TO BE THE FOLLOWING:

A. WE COULD REFUSE TO SIGN CHITS, DIRECTLY CHALLENGING DHMI AND GOT ON THIS ISSUE WHEN NECESSARY. IF A NUMBER OF U.S. AIRCRAFT ARE DETAINED ON TURKISH FIELDS, HOWEVER, THE PROBLEM WOULD UNDOUBTEDLY ESCALATE TO HIGHEST POLITICAL LEVELS, AND WE ARE NOT AT ALL CERTAIN WE COULD MOVE CABINET ON THIS MATTER. WE MUST THEREFORE DECIDE WHETHER WE WISH

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TO RISK A MAJOR CONFRONTATION ON THIS PARTICULAR ISSUE.

B. AFTER REASSERTING OUR POSITION REGARDING CONTINUING VALIDITY OF TAX RELIEF AGREEMENT AND ITS APPLICABILITY TO LANDING AND PARKING FEES, WE COULD AUTHORIZE AIRCRAFT COMMANDERS TO SIGN FORM 15 OR ANOTHER TYPE OF CHIT WHEN DHMI SO REQUIRES FOR TAKE-OFF CLEARANCE AND COULD REFUSE PAYMENT WHEN THESE CHITS ARE PRESENTED TO EMBASSY OR ANOTHER ELEMENT OF THE

USG. WE BELIEVE (BUT ARE FAR FROM CERTAIN) FOREIGN MINISTRY MIGHT BE WILLING TO LIVE WITH THIS PROCEDURE FOR A SHORT WHILE BUT DHMI MIGHT BALK ONE IT IS CLEAR THAT PAYMENT IS NOT BEING MADE. WE ARE UNCERTAIN,

HOWEVER, WHETHER REFUSAL TO HONOR SIGNED CHITS WOULD UNDER PRESENT CIRCUMSTANCES CONSTITUTE A VIOLATION OF U.S. DIRECTIVES OR "GOOD FAITH."

C. WE COULD AGREE TO PAY LANDING AND PARKING FEES AFTER RESERVING OUR POSITION WITH FOREIGN MINISTRY. IN THIS CASE WE COULD STATE TO FOREIGN MINISTRY INTER ALIA THAT WE ARE PAYING FEES AS AN EMERGENCY MEASURE TO ASSURE CONTINUED SUPPLY OF OUR TROOPS, THAT WE RESERVE COMPLETELY OUR POSITION ON LANDING AND PARKING FEES ISSUE, WHICH SHOULD BE HANDLED IN UPCOMING NEGOTIATIONS RATHER THAN BY UNILATERAL ACTIONS, AND THAT WE RESERVE RIGHT TO CLAIM RESTITUTION OF FEES PAID. DRAWBACKS TO THIS OPTION ARE THAT IT MIGHT WEAKEN OUR POSITION ON THIS ISSUE IN UPCOMING NEGOTIATIONS AND COULD ENCOURAGE GOT AGENCIES TO ATTEMPT FAITS ACCOMPLIS IN OTHER AREAS.

D. WE COULD POSTPONE RESOLUTION OF ISSUE BY CANCELLING INTERNAL FLIGHT TO CIVIL AND, IF NECESSARY, CIVIL/MILITARY AIRPORTS AND RELYING ON THEM FOR THESE SERVICES. LEVEL OF OUR SUPPORT TO OUTLYING STATIONS WOULD CERTAINLY BE LOWERED, HOWEVER, AND IN SOME CASES QUITE POSSIBLY TO UNACCEPTABLE DEGREE. GOT MIGHT ALSO VIEW THIS ACTION AS CONFIRMATION THAT U.S. INTERNAL FLIGHT ARE NOT RPT NOT REQUIRED AND TO INSIST THAT THEY NOT RPT NOT BE RESUMED UNDER THE TERMS OF THE TURKISH CABOTAGE LAW (WHICH GIVES THY A MONOPOLY ON ALL DOMESTIC FLIGHT).

5. FOR MOMENT, WE BELIEVE AIRCRAFT COMMANDERS SHOULD SIGN
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NO RPT NO CHITS UNLESS CLEARLY REQUIRED TO DO SO IN ORDER TO OBTAIN TAKE-OFF CLEARANCE. IN CASES WHERE CHITS MUST BE SIGNED, WE BELIEVE PROCEDURE OUTLINED IN OPTION B ABOVE EMBODIES LEAST RISK FOR US. AS LAST RESORT, BUT ONLY AS LAST RESORT, WE COULD TAKE STEPS OUTLINE OPTION C. WE WOULD MOST APPRECIATE WASHINGTON'S VIEWS ON THESE AND OTHER POSSIBLE MEASURES WE MIGHT TAKE TO PRESERVE OUR INTERNAL AIR TRANSPORT SERVICES.
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